

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hornreich et al.	Conf. No.: 3247
Serial No.: 10/724,931	Art. Unit: 3689
Filed: 12/01/2003	Examiner: Long, Fonya M.
Title: SUBSCRIPTION-BASED DYNAMIC CONTENT UPDATE	Docket. No.: IL920030041US1 (IBML-0039)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF OF APPELLANTS

This is an appeal from the Final Rejection dated October 1, 2008, rejecting claims 7-9. The requisite fee set forth in 37 C.F.R. 41.20(b)(2) was previously paid on March 3, 2009.

REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

As filed, this case included claims 1-11. Claims 7-9 remain pending, stand rejected, and form the basis of this appeal. Claims 1-6 and 10-11 have been canceled.

STATUS OF AMENDMENTS

An Amendment and Response, filed on June 13, 2008 in response to the Office Action dated March 13, 2008, did not result in the allowance of the claims. A Final Office Action was issued on October 1, 2008. No amendment was made in response to the Final Office Action of October 1, 2008. A Request for an After Final Interview was denied on December 12, 2008.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method for subscription-based dynamic content updating (independent claim 7).

The method for subscription-based dynamic content updating (independent claim 7) includes: associating specialized content area (e.g. 106, FIG. 1) of a web page (e.g. 108, FIG. 1) currently being displayed at a client and having at a plurality of specialized content areas (e.g. 106, FIG. 1) in a portal environment with a subscription for content therefore, the associating being based on the displayed specialized content area; automatically receiving a content update from a content provider (e.g. 120, FIG. 1) in connection with said subscription during display of the web page; and automatically

providing said content update for updating said specialized content area (Page 5, Line 28 to Page 6, Line 19).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Whether claims 7 and 8 are unpatentable under 35 U.S.C. 103(a) over Nielsen (U.S. Patent No. 6,055,570), hereafter “Nielsen” in view of Santoro et al. (U.S. Patent No. 6,724,403), hereafter “Santoro” and in further view of Helle et al. (U.S. Patent No. 6,560,454), hereafter “Helle.”

(2) Whether claim 9 is unpatentable under 35 U.S.C. 103(a) over Nielsen in view of Santoro and in further view of Helle and Wichmann et al. (U.S. Patent No. 7,277,924), hereafter “Wichmann.”

ARGUMENT

(1) Rejection of claims 7 and 8 over Nielsen in view of Santoro and in further view of Helle under 35 U.S.C. 103(a). The rejection under 35 U.S.C. 103(a) is defective because the references fail to teach or suggest each and every feature of the claims.

Regarding independent claim 7, the Examiner posits that Nielsen’s update monitor service server of Col. 11, lines 47-51 discloses “receiving a content update from a content provider” and “providing said content update for updating said specialized content area.” (“Claim Rejections”; Office Action of 01 October 2008 at page 2).

Further, the Examiner admits that Nielson fails to specifically teach an automatic update. Instead, the Examiner points to Santoro’s Col. 12, Lines 36-49. (“Claim Rejections”;

Office Action of 01 October 2008 at page 3). Applicants respectfully submit that the Examiner misunderstands the updating of the current claim.

What Santoro teaches is that “the grid continually cycles around the currently displayed tiles, one by one, refreshing the content of a tile each time it is accessed (Santoro; Col. 12, Lines 39-42).” This is not however, the same as automatically receiving a content update from a content provider and providing the content update for updating the specialized content area. In fact, Applicants teach directly away from such a method in the background of the present invention, wherein “some portals automatically refresh the portal page periodically, this approach has several drawbacks. These include putting a heavy load on the portal server which must repeatedly perform data retrieval and rendering for each portlet, and disrupting the user’s viewing experience as the whole portal page keeps refreshing while the user is watching it, even if no content has changed.” (“Background of the Invention”; Current Application, Page 1, Lines 25-29).

In contrast to Santoro’s teachings, the current claim automatically receives a content update from a content provider and provides the content for updating. Applicant asserts that the Examiner has equated this feature to simply ‘automatically updating content’, as paraphrased by the Examiner repeatedly throughout Page 3 of the Office Action. As such, it seems that the Examiner admits that Santoro does not teach or suggest the feature of the invention when it is stated that “[w]hen a given tile is refreshed, the refresh operation is completed before refreshing the next tile in sequence. In this way, the cycling rate may be set so that the current content of all tiles are reasonably up to date.” (“Claim Rejections”; Office Action of 01 October 2008 at page 3). Applicant

asserts that ‘reasonably up to date’ does not teach or suggest automatically receiving a content update from a content provider.

With further regard to independent claim 7, the Examiner further incorporates the teachings of Helle, wherein the Examiner posits Helle “discloses a system for updating information from a plurality of content providers on the Internet with the concept of associating specialized content areas of a web page currently being displayed.” (“Claim Rejections”; Office Action of 01 October 2008 at page 3). The Examiner points to Col. 4, Lines 25-65 and Col. 6, Lines 50-63 of Helle’s disclosure. However, Helle also fails to teach or suggest automatically receiving a content update from a content provider and automatically providing said content update. In Col. 6, Lines 50-63, Helle discloses a user’s personal news list for display. However, Helle further discloses the update method (Helle; Col. 6, line 64 to Col. 7) utilizing a time stamp system. Essentially, the user defines a length of time for an update period, which determines when an update is necessary. Applicants assert this is not automatically receiving a content update from the content provider, but automatically checking for new content. Applicant respectfully submits that the Examiner even admits that Helle does not teach automatically receiving a content update, but states that “as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating the display after **checking for updates** from the content providers.” (“Claim Rejections”; Office Action of 01 October 2008 at page 4, emphasis added).

Accordingly, Neilsen, Santoro, Helle, nor any combination teach or suggest the feature of “automatically receiving a content update from a content provider in

connection with said subscription during display of the web page; and automatically providing said content update for updating said specialized content area.” (Claim 7)

Regarding dependent claim 8, which stands rejected under the same grounds as claim 7, Applicants hereby incorporate the above arguments.

(2) Rejection of claim 9 over Nielsen in view of Santoro and in further view of Helle and Wichmann under 35 U.S.C. 103(a). The rejection under 35 U.S.C. 103(a) is defective because the references fail to teach or suggest each and every feature of the claims.

With regard to dependent claim 9, Applicant hereby incorporates the arguments given above for independent claim 7. Accordingly, as the combination of Nielsen in view of Santoro and in further view of Helle fails to teach or suggest each feature of claim 7, the combination of Nielsen in view of Santoro and in further view of Helle and Wichmann do not teach or suggest each feature of claim 9, which depends therefrom.

Accordingly, Appellants submit that all pending claims are allowable because Nielsen in view of Santoro and in further view of Helle fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

Respectfully submitted,

/Hunter E. Webb/
Hunter E. Webb
Reg. No. 54,593
(ND)

Date: November 23, 2009

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
Phone: (518) 449-0044
Fax: (518) 449-0047

CLAIMS APPENDIX

7. A method for subscription-based dynamic content updating, the method comprising:

associating specialized content area of a web page currently being displayed at a client and having at a plurality of specialized content areas in a portal environment with a subscription for content therefore, the associating being based on the displayed specialized content area;

automatically receiving a content update from a content provider in connection with said subscription during display of the web page; and

automatically providing said content update for updating said specialized content area.

8. A method according to claim 7 and further comprising:

creating said subscription on a publish/subscribe server; and

storing said content update received from said publish/subscribe server in response to a publication received from said content provider and in connection with said subscription.

9. A method according to claim 7 and further comprising:

dynamically generating said web page including said specialized content area; and

providing said web page and a monitor operative to receive said content update and provide said content update for updating said specialized content area to a client computer.

EVIDENCE APPENDIX

No evidence has been submitted.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.